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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057845
Party	Defendant Clariant International AG
Correspondence Address	KATRIN LEWERTOFF ARENT FOX LLP 1675 BROADWAY NEW YORK, NY 10019 UNITED STATES katrin.lewertoff@arentfox.com, NYIPDocket@arentfox.com
Submission	Answer
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Date	10/22/2013
Attachments	OXY-GUARD cancellation answer.pdf(109472 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MULTISORB TECHNOLOGIES, INC.,	)	Canc. No.:	92057845
	)	Reg. No.:	3859182
Petitioner,	)	Mark:	OXY-GUARD
	)	Class:	(IC 20)
v.	)		
	)		
CLARIANT AG,	)		
	)		
Registrant.	)		
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ANSWER AND AFFIRMATIVE DEFENSES OF CLARIANT AG

REGISTRANT'S ANSWER

Registrant Clariant AG ("Registrant") hereby states the following for its Answer:

1. Registrant is without sufficient knowledge to form a belief as to the truth of the allegations contained in Paragraph 1 and, therefore, denies the same.
2. Registrant admits the statements contained in Paragraph 2.
3. Registrant is without sufficient knowledge to form a belief as to the truth of the allegations contained in Paragraph 3 and, therefore, denies the same.
4. Registrant denies the allegations made in Paragraph 4.
5. Registrant admits the allegations made in Paragraph 5.
6. Registrant admits that its referenced registration for OXY-GUARD issued on October 12, 2010 for "packaging containers of plastic" in International Class 20 but denies the remaining allegations made in Paragraph 6.
7. Registrant notes that Petitioner misidentified various entities listed in Paragraph 7 and, therefore, denies the allegations made in Paragraph 7.
8. Registrant denies the allegations made in Paragraph 8.

9. Registrant denies the allegations made in Paragraph 9.
10. Registrant denies the allegations made in Paragraph 10.
11. Registrant denies the allegations made in Paragraph 11.
12. Registrant admits the statements made in Paragraph 12.
13. Registrant denies the allegations made in Paragraph 13.
14. Registrant denies the allegations made in Paragraph 14.
15. Registrant denies the allegations made in Paragraph 15.
16. Registrant denies the allegations made in Paragraph 16.
17. Registrant denies the allegations made in Paragraph 17.
18. Registrant denies the allegations made in Paragraph 18.

#### AFFIRMATIVE DEFENSES

Applicant hereby states the following for its Affirmative Defenses:

1. Petitioner has failed to state a claim upon which relief may be granted.
2. Petitioner lacks standing to assert the claims contained in the Notice of Cancellation.
3. Petitioner's claims are barred by the doctrine of waiver.
4. Petitioner's claims are barred by the doctrine of laches.
5. Petitioner's claims are barred by the doctrine of estoppel.
6. Petitioner's claims are barred by the doctrine of acquiescence.
7. Petitioner's claims are barred by the doctrine of unclean hands in that Petitioner has engaged in inequitable conduct directly relating to the subject matter of this proceeding.

8. Petitioner's claims are barred because Registrant's mark is inherently distinctive.

In view of the foregoing, Registrant requests that the notice of cancellation be dismissed.

CLARIANT AG

By: /s/ Katrin Lewertoff  
Katrin Lewertoff  
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Counsel for Registrant  
Clariant AG

#### **CERTIFICATE OF ELECTRONIC FILING**

It is hereby certified that the foregoing Answer and Affirmative Defenses was filed electronically at <http://esta.uspto.gov> on this 22nd day of October, 2013.

/s/ Katrin Lewertoff  
Katrin Lewertoff

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Answer and Affirmative Defenses was served via first class mail, postage prepaid on October 22, 2013 on counsel for Opposer Multisorb Technologies, Inc. at the following address: Kimberly I. Shimomura, Harter Secrest & Emery LLP, 1600 Bausch & Lomb Place, Rochester, New York 14604.

/s/ Katrin Lewertoff  
Katrin Lewertoff